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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,692	02/12/2002	David Rosenwasser	100611-00060(R & M 19.393)	7053
26304	7590	10/30/2003	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			JONES, DAVID B	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,692

Applicant(s)

Rosenwasser et al.

Examiner

David B. Jones

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chia et al. '306, Fig. 26. The largest transverse distance across the cross-section of the heart shaped link of Chia et al. is considered to be less than 3 times the dimension of the widest interior space of the link. Regarding claim 6, the link of Fig. 26 is considered to be generally annular in shape.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, 9, 12-15, 17, 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chia et al. '306, Fig. 26 in view of Rozenwasser '135. Chia teaches the claimed invention as treated supra excepting a showing of link assemblies comprised of two adjacent links and an end link enveloping the two other links and attaching or fixing the two adjacent links with their gaps oriented in the same direction by solder and arranging the end link thereto with its gap oriented 180 degrees to the adjacent links. Rozenwasser teaches such an arrangement of link in Fig. 4 in sub groups of: b/c/d, e/f/aa, bb/cc/dd, etc., albeit in a 5:1 ring diameter to cross-sectional ratio. One of ordinary skill in the art having the two patents before

him would have found it obvious to arrange a less than 3:1 ring diameter to cross-sectional ratio rope chain link, as shown in Fig. 26 of Chia et al., in a arrangement, as shown by Rozenwasser in Fig. 4, comprised of two adjacent links and an end link enveloping the two adjacent links and attaching or fixing the two adjacent links with their gaps oriented in the same direction by solder and then arranging the end link thereto with its gap oriented 180 degrees to the adjacent links; such a provision would have flowed from the teachings based on the ring to diameter ratio used. Regarding claims 12 and 21, faceting is notoriously well known and it would have been obvious to one of ordinary skill in the art of rope chains to facet the chain to Chia et al. to provide a desired flash or esthetics, such a provision being an obvious choice of chain design.

3. Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Otake. From viewing the first and last link of the rope chain of Otake (Fig. 2 and 4) one can see that the largest transverse distance across the cross-section of the links is considered to be less than 3 times the dimension of the widest interior space of the links.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chia et al. '955, Fig. 16. Chia teaches a link 95 having its largest transverse distance across its cross-section 97 being less than 3 times the dimension of the widest interior space of the link. Section 97 is hollow.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chia et al. 955, Fig. 16. Chia teaches the claimed invention as seen in Fig. 16 and as treated supra excepting that the hollow section 97 being a seemed hollow area. Seamless and seemed hollow links are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the chain with a seamless or seamed hollow portion depending on the desired cost of the chain, such a provision being an obvious choice of well known chain expedients.

6. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chia et al. '955 in view of Rosenwasser '135. Chia teaches the claimed invention as treated supra excepting a showing of link assemblies comprised of two adjacent links and an end link enveloping the two adjacent links and attaching or fixing the two adjacent links with their gaps oriented in the same direction by solder and also arranging the end link thereto with its gap oriented 180 degrees to the adjacent links. Rozenwasser teaches such an arrangement of link in Fig. 4 in sub groups of: b/c/d, e/f/aa, bb/cc/dd, etc., albeit in a 5:1 ring diameter to cross-sectional ratio. One of ordinary skill in the art having the two patents before him would have found it obvious to arrange a less than 3:1 ring diameter to cross-sectional ratio rope chain link, as shown in Fig. 26 of Chia et al., in a arrangement, as shown by Rozenwasser in Fig. 4, comprised of two adjacent links and an end link enveloping the two adjacent links and attaching or fixing the two adjacent links with their gaps oriented in the same direction by solder and then arranging the end link thereto with its gap oriented 180 degrees to the adjacent links; such a provision would have flowed from the teachings based on the ring to diameter ratio used.

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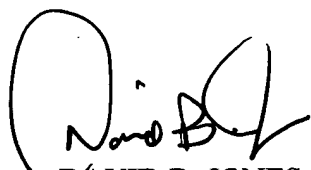
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David B. Jones whose telephone number is (703) 308-1887.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant (s) wishes to communicate via Fax number for Group 3700 is (703) 305-3579.

wahp



DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 372